

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

Break Through Construction, Inc.,

Debtor.

No. CV-08-5056-LRS

ORDER OF DISMISSAL

BEFORE THE COURT is the Motion To Dismiss Appeal (Ct. Rec. 9) filed by the United States Trustee.

Good cause appearing and there being no response from Appellant Washington Trust Bank, the motion is **GRANTED** and the bankruptcy appeal of Washington Trust Bank is **DISMISSED**. Fed. R. Civ. P. 41(b) (involuntary dismissal for failure to prosecute) and Fed. R. Bankr. P. 8001(a) (“An appellant’s failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal”).

IT IS SO ORDERED. The District Court Executive is directed to file this Order, provide copies to counsel, and **CLOSE** this file.

DATED this 5th day of May, 2009.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE